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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/775,888	02/10/2004	Rainer Endermann	Le A 36 499

CONFIRMATION NO. 1423

35969
JEFFREY M. GREENMAN
BAYER PHARMACEUTICALS CORPORATION
400 MORGAN LANE
WEST HAVEN, CT 06516

FORMALITIES LETTER



OC000000012691418

Date Mailed: 05/18/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/20/2004 HLE333 00000056 133372 10775888

FILED UNDER 37 CFR 1.53(b)

01 FC:1051 130.00 DA

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$130 for a Large Entity

- \$130 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Tsevern

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Attorney Docket No. Le A 36 499

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Rainer Endermann, et al.

Customer No.: 35969

Serial No.: 10/775,888

Filed: 02/10/2004

For: "Treatment of Bacterial Diseases of the Respiratory Organs"

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: AUG 18 2004

Mariellen Chappelaene
Signature of Person Certifying/Mariellen Chappelaene

Petition for Extension of Time

Applicants hereby request that the time for responding to the Notice To File Missing Parts of Nonprovisional Application of May 18, 2004 be extended for one (1) month so as to expire on August 18, 2004.

The Commissioner is hereby authorized to charge the fee(s) under 37 CFR 1.17(a)(1) for a one-month extension of time, and any additional extension fee that may be required, to Deposit Account No. 13-3372.

Response to Notice To File Missing Parts of Nonprovisional Application

In response to the Notice To File Missing Parts of Nonprovisional Application of May 18, 2004, the following documents are attached:

- Copy of the Notice To File Missing Parts of Nonprovisional Application; and
- Combined Declaration and Power of Attorney (original); and
- Return Receipt Postcard.

The Commissioner is hereby authorized to charge the fee(s) under 37 CFR 1.16(e) for late submission of the oath or declaration to Deposit Account No. 13-3372.

Please charge any additional fees required by this response or credit any overpayment to Deposit Account No. 13-3372. A duplicate of this sheet is enclosed.

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Fax: (203) 812-6459

Respectfully submitted,

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08/20/2004 HLE333 00000056 133372 10775888

02 FC:1251 110.00 DA